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Note

Only areas where these sections are being amended are shown. However, a few definitions that are not being amended are included to provide context.

Under line text is proposed new language and - strikethrough text is proposed ~~deleted language~~.

11.02.007 "F".

"Forest, intact" means a stand of coniferous or deciduous trees characteristic of conditions that predated European settlement that contain the following characteristics:

1. Mature indigenous trees such as, Douglas Fir, Western Red Cedar, Western Hemlock, Red Alder, Big Leaf Maple, and other indigenous tree species, that are 8 inches in diameter or greater and provide overhead tree canopy;
2. A shrub/understory layer of plants between 4 to 15 feet in height such as Vine Maple, Salal, Salmonberry, Evergreen Huckleberry, and other similar indigenous plants;
3. An emergent layer of plants less than 4 feet in height such as Sword Fern, Cascades Grape, Trillium, and other forbs, grasses, and plants; and
4. A layer of organic material commonly referred to as 'forest duff' comprising needles, leaves, branches, twigs and other organic matter laying upon the soil surface.

As an alternative to the above description, the City may use the United States National Vegetation Classification System's 'Douglas-fir, Western Hemlock Vancouverian Forest & Woodland Division' definition pursuant to Division Detail Report: D192 as it exists or may be amended in the future.

"Forest land" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW [84.33.100](#) through [84.33.140](#), and that has long-term commercial significance. (See also RCW [36.70A.040](#)(8).)

"Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting or processing timber, including but not limited to road and trail construction; harvesting, final and intermediate; precommercial thinning; reforestation; fertilization; prevention and suppression of diseases and insects; salvage of trees; and brush control.

"Forest re-habilitation and forest restoration" means the process of rehabilitating or restoring native vegetation and soils on disturbed land with the intent of eventually achieving an intact forested condition. Forest rehabilitation or forest restoration shall consist of:

1. Forest rehabilitation consists of interplanting within an area containing existing mature and immature trees that have an established canopy but may not be a solid canopy cover. Plantings to rehabilitate a forest shall consist of exclusively native or indigenous trees, understory and emergent plants;
2. Forest restoration consists of interplanting an area where the native trees have been removed and/or replaced for agricultural or ornamental purposes but the native soils remain in place. Plantings to restore a forest shall consist of exclusively native or indigenous trees, understory and emergent plants; and

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1 3. All understory plants shall consist of native shrubs and groundcover planted at a sufficient
2 density to provide an immediate surface cover of at least 40 percent with 75 percent cover
3 within three years and 100 percent cover within five years.
4

5 6 **11.02.110 "S".**

7
8 "Subdivision" means the division or redivision of land into five or more lots, tracts, parcels, sites
9 or divisions for the purpose of sale, lease or transfer of ownership, development or financing,
10 except for short subdivisions and boundary line adjustments.
11

12 "Subdivision, clustered" means a subdivision which clusters the development into a smaller
13 overall disturbance area by reducing lot size and lot dimensions thereby creating lands which
14 can be preserved as open space.
15
16

Note:

New language is shown as underline and deleted language is shown as ~~strikethrough~~.

Chapter 12.18 TREE RETENTION AND LANDSCAPING

Sections:

- 12.18.010 Purpose.
- 12.18.020 Application.
- 12.18.030 Existing vegetation retention.
- 12.18.040 Types of landscaping.
- 12.18.050 Street right-of-way landscaping.
- 12.18.060 Bothell boulevard system landscaping.
- 12.18.070 Landscaping along I-405.
- 12.18.080 Front lot line landscaping and interior lot line landscaping.
- 12.18.090 Parking lot landscaping.
- 12.18.100 Landscaping adjacent to buildings and refuse containers.
- 12.18.110 Landscaping between zones.
- 12.18.120 Supplemental landscaping.
- 12.18.130 Required landscape plan.
- 12.18.140 Plant materials and sizes.
- 12.18.150 Plant maintenance.
- 12.18.160 Modifications.
- 12.18.170 Landscaping bonds.

12.18.010 Purpose.

The purpose of this chapter is to foster retention of significant trees, provide visual relief from large expanses of building and parking areas, reduce the impacts of development on drainage systems, provide wildlife habitat, and provide a separation or transition between land uses of differing intensities.

12.18.020 Application.

The provisions of this chapter shall apply to all new development and to changes of use or structural additions comprising more than 20 percent of gross floor area prior to the addition, when such changes or additions require additional landscaping under the regulations of this chapter.

12.18.030 Existing vegetation retention.

- A. Purpose. The retention of eExisting vegetation such as intact forest areas, is an important component of the City's character, and assists the City in meeting its aesthetic, surface water, and environmental policies within the *Imagine Bothell...* Comprehensive Plan. Existing vegetation may also be used to meet all or portions of the landscaping requirements within this chapter. ~~The retention of vegetation which promotes or preserves the following will be used by the community development director to determine compliance with this section:~~

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- ~~1. The “feathered edge” visual effect of ridgeline trees against the sky;~~
- ~~2. Continuous overstory canopies;~~
- ~~3. Wildlife corridors consisting of continuous or closely spaced areas of native and/or wildlife enhancing vegetation, including understory vegetation;~~
- ~~4. Areas adjacent to critical area buffers;~~
- ~~5. Retention of those trees which provide the largest ecological value and have the best chance of survival following development;~~
- ~~6. Areas that will be used as part of a low impact development storm water facility.~~

B. Applicable activities. Tree retention shall apply to developments where any human-caused change to improved or unimproved real estate, including, but not limited to, construction of buildings or other structures, dredging, filling, grading, paving, excavation, or other land-altering activities are proposed or may be occurring. For the purposes of this Chapter, vegetation retention shall apply to sSignificant trees, which shall mean existing trees over eight inches in diameter (excluding alders and cottonwoods) as measured four feet above grade, ~~shall be retained that are located within the net buildable area of a subject property as described within BMC 12.14.030 and 12.14.040.~~

C. These tree retention requirements shall not apply to existing individual single-family dwellings on lots of record that are 20,000 sq. ft. or less in area, or duplexes, multiple-family residential or non-residential developments having less than 2,000 square feet of required landscaping over the entire development area.

D. All proposed development applications not specifically excepted as outlined in 12.18.030 (C) above, shall include a tree retention plan for the entire subject property identifying and locating all significant trees on the subject property excepting only those lands where existing vegetation would not be disturbed in any manner including, but not limited to, lands covered by critical areas or critical area buffers. The tree retention plan shall be prepared by a qualified professional such as a licensed landscape architect, licensed/certified forester; licensed/certified arborist, or Washington State certified nurseryperson. The City may have submitted reports and tree retention plans peer-reviewed by qualified consultants at the applicant's expense.

The tree retention plan shall include the following:

1. Location, size, species and driplines of all existing significant trees greater than eight inches in diameter measured four feet above grade;
2. Proposed and existing contours;
3. Trees and other vegetation to be retained and removed;
4. An evaluation by a qualified professional of all significant trees including those to be removed and retained;
5. A description of protection techniques to be utilized during construction to protect existing vegetation including, but not limited to, the use of an air shovel to locate the root zone, installation of a minimum four -foot-high chainlink or plastic-net fencing around tree driplines and/or root zones, using tunneling instead of trenching for utility installation, stump grinding instead of stump pulling and routing of construction traffic away from retained tree root areas to prevent soil compaction;
6. Tree retention plans shall indicate a disturbance-free area around all retained trees where the soil grade or ground contours shall not be altered. At a minimum, the disturbance free area shall extend to a tree's dripline or at least 15 feet from the trunk

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of a tree, whichever is the greater distance, unless an alternative tree protection method is submitted by a qualified professional, and said alternative method is approved by the City; and

E. Significant trees shall be retained ~~developments~~ as follows:

1. ~~S~~All significant trees located within any required Type I or II perimeter landscaping area as set forth in ~~subsection E of this section~~, BMC 12.18.080(C) and 12.18.110 which ~~are not dead, dying, diseased, and~~ do not pose a significant safety hazard as determined by a qualified professional~~the community development director shall be retained~~;
2. Within the R 40,000, R 9,600, R 8,400, R 7,200, and R 5,400d zoning classifications
a~~At least 40 20~~ percent of the total in diameter inches of the significant trees located within the net buildable area of~~on~~ the subject property as described within BMC 12.14.030 and 12.14.040 shall be retained.
3. Within all other zoning classifications at least 20 percent of the total diameter inches of the significant trees located within the net buildable area of the subject property as described within BMC 12.14.030 and 12.14.040 shall be retained, provided, tree retention may be satisfied by providing at least 15 percent of the tree diameter inches in significant trees and up to 5 percent of the tree diameter inches in existing trees smaller than eight inches in diameter or new coniferous trees at least six feet in height or new deciduous trees at least 1 ½ inches in diameter. Each new tree shall be counted as two diameter inches toward the minimum required amount of tree diameter inches. For example, five new trees would be credited as 10 diameter inches.
4. The selection of which existing significant trees are to be retained shall be based upon the following objectives:
 - a. Provide continuous overstory tree canopies;
 - b. Preserve trees in groupings or mutually supporting groves;
 - c. Protect trees adjacent to critical area buffers;
 - d. Retain or enhance the “feathered edge” visual effect of ridgeline trees against the sky. The feathered edge is more completely described within the *Imagine Bothell...* Comprehensive Plan Land Use Element and is depicted in Land Use Element Figure LU-5;
 - e. Retain those trees which a qualified professional has identified have the best chance of survival following development;
 - f. Retain trees which will be used as part of a low impact development storm water facility such as dispersion of surface water; and
 - g. Retain trees within an open space tract created as part of a clustered subdivision Planned Unit Development pursuant to Chapter 12.30.
5. The Community Development Director ~~city~~ may ~~approve modifications or~~ require the applicant to implement minor site plan alterations to achieve the maximum tree retention requirements identified within this chapter. In exercising the authority granted when implementing this requirement, the Director shall avoid requiring site plan modifications that:
 - a. Require the re-location of a building or improvement more than 20 feet horizontally;
 - b. Affect the location of required sanitary sewer, water and other utility facilities;

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- c. Modify the construction and location of surface water facilities that are consistent with the Bothell Design and Construction Standards; and
 - d. Conflict with the location of access drives and streets as required by the Bothell Design and Construction Standards;
 6. Within the R-AC, DC, DN, and DT zones where the City desires to create compact, walkable neighborhoods, an applicant shall be required to preserve 15 percent of the site diameter inches of trees on the subject property but may implement the following alternative tree retention practices:
 - a. Retain existing coniferous or deciduous (excluding alders and cottonwoods) trees that are between 2 and 8 inches in diameter as credit toward the 15 percent minimum site diameter inches retention; or
 - b. Replace significant trees required to be retained with new coniferous and/or deciduous trees of an indigenous species to the maximum extent feasible, on the subject property consistent with the following replacement ratios:
 - i. Replace one significant tree with one new coniferous tree a minimum of 20 feet in height at time of planting; or
 - ii. Replace one significant tree with two new coniferous trees a minimum of 14 feet in height at time of planting; or
 - iii. Replace one significant tree with one new deciduous tree of a minimum diameter of 4 inches at time of planting; or
 - iv. Replace one significant tree with two new deciduous trees of a minimum diameter of 2 ½ inches at time of planting.
 - A tree retention plan may provide for the retention of fewer significant trees than required in subsections (B)(1) and (2) of this section only if the trees to be removed are replaced at a ratio of at least three to one, as provided for in subsection (F)(1) of this section.
 - C. ~~—— All proposed developments shall include a tree retention plan for the entire subject property except identified areas in which existing vegetation would not be disturbed in any manner. These tree retention plans shall be prepared by a licensed landscape architect; licensed/certified forester; licensed/certified arborist; or Washington State certified nurseryman. This requirement shall not apply to individual single family dwellings, duplexes, or multiple family commercial and industrial projects requiring 2,000 square feet of landscaping or less over the entire development area. If any significant trees within such undisturbed area(s) are to be counted toward the 10 percent significant tree retention required by subsection (B)(2) of this section, the location of such trees shall be indicated on a plan, but other tree retention plan requirements shall not apply to the undisturbed area or areas. The tree retention plan shall include the following:~~
 1. ~~Location, size, species and driplines of all existing healthy trees over eight inches in diameter measured four feet above grade;~~
 2. ~~Proposed and existing contours;~~
 3. ~~Trees and other vegetation to be retained;~~
 4. ~~A description of protection techniques to be utilized during construction including but not limited to use of an air shovel to locate the root zone, five-foot-high chainlink or plastic net fencing around tree driplines and/or root zones, tunneling instead of~~

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~~trenching, stump grinding instead of stump pulling and routing of traffic to prevent excessive soil compaction.~~

~~D. A disturbance free area beyond the tree dripline shall be indicated. A tree designated for retention shall not have the soil grade altered within its dripline or within 15 feet of its trunk, whichever is greater, unless an alternative tree retention method is submitted by a tree specialist acceptable to the city, and said alternative method is approved by the city.~~

~~FE.~~ The community development director shall require a tree retention bond or other surety be submitted to the city of Bothell to ensure retention of existing trees and plant material during construction. In the event any trees designated by the city to be retained are removed, the city shall have the option of enforcing any bond posted. Each tree identified for retention shall be bonded pursuant to the following table. The applicant may request that the bond be waived for trees outside the project clearing area, such as those within critical areas and their buffers, and such requests shall not be reasonably denied.

Tree Diameter	Amount
8 - 12 inches	\$2,000
Larger than 12 - 16 inches	\$4,000
Larger than 16 - 20 inches	\$8,000
Larger than 20 - 24 inches	\$12,000
Larger than 24 - 28 inches	\$16,000
Larger than 28 inches	\$20,000

~~GF.~~ In the event that existing significant trees or vegetation which are designated to be retained die or are damaged or removed as a result of development activity, or which removal has been authorized by the City, prior to issuance of occupancy permits, or release of any tree retention bonds required pursuant to subsection E of this section, a restoration plan shall be prepared and submitted to the ~~City department of community development~~ for review and approval. The plan shall provide for replacement of plants in the following manner:

1. Each such significant tree designated to be retained that is removed or damaged as a result of development activity shall be replaced with new by a mixture of three deciduous and/or coniferous trees. ~~For each additional two inches of diameter over eight inches on the dead, damaged or removed tree, one new tree shall be planted. Particular pursuant to the following:~~

a. Replacement tree species shall be indigenous species to the maximum extent feasible or may be another species as approved by the city. ~~Replacement trees shall conform to required plant sizes in accordance with the requirements of this chapter, and may be placed in other locations on the property than where the replaced trees were located.~~

b. Replacement coniferous trees shall be as follows:

i. Two trees for each significant tree removed with replacement trees being a minimum of 20 feet in height at time of planting; or

ii. Four trees for each significant tree removed with replacement trees being a minimum of 14 feet in height at time of planting.

c. Replacement deciduous trees shall be as follows:

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- i. Two trees for each significant tree removed with replacement trees being a minimum diameter of 4 inches at time of planting; or
- ii. Four trees for each significant tree removed with replacement trees being a minimum diameter of 2 ½ inches at time of planting.
2. At the discretion of the community development director, the applicant may propose and the Director may allow, the retention of existing coniferous or deciduous (excluding alders and cottonwoods) trees that are between 2 and 8 inches in diameter as credit toward the minimum site diameter inches retention standard, provided the coniferous or deciduous trees are identified, located, and evaluated pursuant to 12.18.030(D) above.
3. Shrubs and ground cover shall be replaced by a mixture of Type VI indigenous materials in all disturbed areas.
43. Any funds generated by revocation of bonds for tree retention shall be used to plant new trees in the city of Bothell.

*** * *No other changes to 12.18 are proposed * * ***
Section 12.18.040 below is provided as a reference

12.18.040 Types of landscaping.

Types of landscaping are as follows. In cases where two types are specified for one area, the more intensive landscape type shall be required.

Type	Purpose	Tree Planting	Shrubs/Ground Covers	LID Elements	Other
I	Type I landscaping is intended to provide a solid sight barrier to totally separate incompatible uses. Coniferous materials are selected to provide maximum year-round screening.	A planting strip with two offset rows of coniferous trees at an average spacing of 10 feet triangulated on-center.	Mixture of shrubs, ground covers and other plant material to provide 85 percent surface coverage within two years from planting.	Vegetation-based LID BMPs such as bioretention facilities are permitted within all landscaping types provided the location and plant materials do not detract from the primary purpose of the landscaping type. Drought tolerant and native vegetation shall be used to the maximum extent practicable.	Either earth berming at a minimum height of two and one-half feet or a six-foot-high sight-screening fence.
II	Type II landscaping is intended to create a semi-sight-obscuring buffer between incompatible uses and against	A planting strip planted with trees, of which a maximum of 30 percent may be deciduous, at an average			

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Type	Purpose	Tree Planting	Shrubs/Ground Covers	LID Elements	Other
	building facades. The majority of selected plant materials shall be coniferous to provide the intended buffering year-round.	spacing of 20 feet on-center.			
III	Type III landscaping is intended to provide visual relief between incompatible uses and against building facades. A mixture of deciduous and coniferous plant material shall be provided using a minimum of coniferous material to provide visual relief on a year-round basis.	Planting strip planted with coniferous or a maximum of 75 percent deciduous trees at an average spacing of 25 feet on-center.			
IV	Type IV landscaping is intended to provide visual relief within parking areas and adjacent to building facades. Deciduous tree materials are selected to provide shade and clear sight-	At least one deciduous tree for each 150 square feet of landscaped area at an average spacing of 30 feet on-center.			

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Type	Purpose	Tree Planting	Shrubs/Ground Covers	LID Elements	Other
	lines within parking areas.				
V	Type V landscaping is intended to provide visual relief and add to the overall quality of a development by softening the effect of the new building upon the landscape.	At least one evergreen or deciduous tree for each 500 square feet of landscaped area.			
VI	Type VI landscaping is intended to revegetate, restore, or enhance existing or damaged areas of native plantings.	A mixture of coniferous trees which shall range from one to six feet at installation. Deciduous trees shall range from "whips" to one and one-half-inch caliper at installation.			Native wetland plants shall be preferred for wetland areas.

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Note: New language is proposed as underline. Deleted language is shown as ~~strikethrough~~.

Chapter 12.30 PLANNED UNIT DEVELOPMENTS

Sections:

- 12.30.010 Purpose.
- 12.30.020 Types of planned unit developments - Where permitted - Uses permitted.
- 12.30.030 Permissive modifications of regulations - Generally.
- 12.30.040 Permissive modifications of regulations - Standard Single-family PUDs.
- 12.30.050 Permissive modifications in regulations - Non-single-family PUDs.
- 12.30.060 Permissive modifications in regulations - Green PUDs.
- 12.30.070 Permissive modifications in regulations - Clustered Subdivision PUDs
- ~~12.30.0870~~ Preliminary and final approval required - Type of action - Combined applications.
- ~~12.30.09080~~ Phased development.
- ~~12.30.100990~~ Preliminary PUDs - Contents of complete application.
- ~~12.30.11000~~ Preliminary PUDs - Criteria for approval.
- ~~12.30.12010~~ Preliminary PUDs - Minor and major changes to an approved preliminary PUD.
- ~~12.30.13020~~ Approved preliminary PUD - Extension of time for filing final PUD.
- ~~12.30.14030~~ Preliminary PUDs - Failure to file for final PUD - Termination.
- ~~12.30.15040~~ Final PUDs - Contents of complete application.
- ~~12.30.16050~~ Final PUDs - Criteria for approval.
- ~~12.30.17060~~ Effect of PUD approval.
- ~~12.30.18070~~ Conditions of PUD approval control over conflicting regulations.
- ~~12.30.19080~~ Subdivision requirements.
- ~~12.30.200190~~ Lots subject to final PUD.
- ~~12.30.21000~~ Final PUDs - Minor modifications to approved final PUD.
- ~~12.30.22010~~ Final PUDs - Major modifications to approved final PUD.
- ~~12.30.23020~~ Building permits - Certificates of occupancy - Common walls.
- ~~12.30.24030~~ Extension of time for construction.
- ~~12.30.25040~~ Termination of planned unit development - Failure to commence or continue construction.

12.30.010 Purpose.

The purpose of this chapter is to provide for the modification of certain regulations when it can be demonstrated that such modification would result in a development which would not increase the density and intensity of land use beyond that which would be allowed if no regulations were modified, would preserve or create features or facilities of benefit to the community such as but not limited to green development practices, open space or active recreational facilities, which features or facilities would not have been provided if no regulations were modified, would be compatible with surrounding development, and would conform to the goals and policies of the Imagine Bothell... Comprehensive Plan. Throughout this title, "PUD" shall mean the same as "planned unit development."

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12.30.020 Types of planned unit developments - Where permitted - Uses permitted.

A. ~~Five~~ Four types of planned unit developments are established. A PUD may comprise all or any combination of the below types:

1. Standard Single-family PUDs, comprising detached dwelling units on individual lots; the necessary streets and other public and/or private rights-of-way to serve such dwelling units; and any appurtenant common open space, recreational facilities or other areas or facilities. A single-family PUD requires the approval of a subdivision consistent with the procedures set forth in the Bothell subdivision ordinance, codified in BMC Title 15.
2. Non-single-family PUDs, comprising attached dwelling units, detached dwelling units not on individual lots, retail, office, service or industrial buildings, or any combination thereof, the necessary streets and other public and/or private rights-of-way to serve such uses, and any appurtenant common open space, recreational facilities or other areas or facilities.
3. Green PUDs, comprising single-family and non-single-family developments incorporating site development and building design, construction and operating features and practices which, compared to standard development features and practices, lessen impacts to native plants and animals, reduce consumption of raw materials, lower greenhouse gas emissions, provide healthier living and working environments, and otherwise decrease human impacts on local and global ecosystems. Green PUDs which comprise detached single-family residences require approval of a subdivision consistent with the procedures set forth in the Bothell subdivision ordinance, codified in BMC Title 15. In order to be considered a green PUD, a proposed development must include design and features that achieve at least the minimum certification level identified below under one of the following programs or other certification program as approved by the community development director:
 - a. For site development:
 - (1) The United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) Neighborhood Design at the Gold level or higher;
 - (2) The International Code Council (ICC) and National Home Builders Association (NHBA) National Green Building Standard (NGBS) at either the Green Subdivision Four Star or higher level or the Lot Design, Preparation and Development Gold level or higher;
 - (3) The Master Builders Association (MBA) Built Green, at the Three Star level or higher;
 - (4) The Pacific Rivers Council Salmon Safe, at the Salmon Safe Certification level.
 - b. For building design:
 - (1) The United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) at the Silver or higher level;
 - (2) The International Code Council (ICC) and National Home Builders Association (NHBA) National Green Building Standard (NGBS) at the Silver or higher level for building design; and
 - (3) The Master Builders Association (MBA) Built Green, at the Three Star level or higher;

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4. Fitzgerald / 35th SE Subarea Clustering PUDs, comprising clustered subdivisions within the Fitzgerald / 35th SE Subarea consistent with Chapter 12.52 BMC.

5. City-wide clustered subdivision PUDs, which may include detached or attached residential developments on individual lots where the development preserves open space. A clustered subdivision PUD requires the approval of a subdivision consistent with BMC Title 15.

B. Planned unit developments may be located within any zoning classification;

C. Uses permitted within the PUD shall be governed by the use regulations of the underlying zoning classification as provided for within Chapter [12.06](#) BMC or any subarea regulations governing permitted and conditional uses, including special overlay zoning classifications, except as expressly modified by this chapter.

12.30.030 Permissive modifications of regulations - Generally.

In considering a proposed planned unit development project, the approval thereof may involve modifications in the site development regulations, requirements and standards of BMC Title [12](#), Zoning, and BMC Title [17](#), Transportation, as identified within this chapter. In modifying such regulations, requirements and standards as they may apply to a planned unit development project, the limitations set forth in this section shall apply to all PUDs. In order to be granted any such modifications, the applicant shall demonstrate that the proposed development complies with the purpose of this chapter as stated in BMC [12.30.010](#). The applicant shall bear the burden of supporting any change in requirements. The city may increase any requirement necessary to make the project conform to the purposes of this chapter.

A. Front Yard Setbacks. The requirements for minimum front yard setbacks for the zone in which the planned unit development is located shall apply to all exterior boundary lines of the site.

B. Distance Between Buildings. The requirements for minimum side and rear yard setbacks may be modified; provided, that minimum distances required by the International Building Code and Fire Code shall be met.

C. Building Height. Building height and any corresponding setback requirements related to building height shall be governed by the requirements of the underlying zoning classification as set forth in Chapter [12.14](#) BMC or any applicable subarea regulation.

12.30.040 Permissive modifications of regulations - Standard Single-family PUDs.

Standard Single-family PUDs shall be subject to the following limitations in modification of regulations in addition to those limitations set forth in BMC [12.30.030](#):

A. The minimum lot size as required in Chapter [12.14](#) BMC may be reduced by up to 15 percent; provided, that an area(s), not including a critical area or its buffer or storm water conveyance or storage facility, equal to the combined reduction in lot area is set aside in a manner that creates a public benefit that would not exist if the minimum lot size were not modified. Set asides may include one or more of the following:

1. Common useable open space comprising landscaping and facilities such as but not limited to play areas, trails, gazebos, covered shelters, picnic tables and benches;
2. Areas containing significant trees as defined in Chapter [12.18](#) BMC;
3. Other noncritical areas, the preservation or creation of which promotes one or more goals and/or policies of the Imagine Bothell... Comprehensive Plan;

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- 1 B. The number of lots in a standard single-family PUD shall not exceed the number of lots
- 2 which could be obtained if no regulations were modified;
- 3 C. The minimum lot circle diameter as required in Chapter [12.14](#) BMC may be reduced up to
- 4 10 percent;
- 5 D. Within self-contained developments, the minimum front yard setback as required in Chapter
- 6 [12.14](#) BMC for individual lots may be reduced up to 50 percent, except for garages and
- 7 carports; this permissive modification shall not apply to the front yard setback from all
- 8 exterior boundary lines of the site required under BMC [12.30.030](#)(A);
- 9 E. Required side and rear yard setbacks may be reduced; provided, that minimum distances
- 10 required by the International Building Code and Fire Code shall be met.

12.30.050 Permissive modifications in regulations - Non-single-family PUDs.

13 Non-single-family PUDs shall be subject to the following limitations in modification of regulations
14 in addition to those limitations set forth in BMC 12.30.030 provided, however, that within the
15 Fitzgerald / 35th SE Subarea the clustering provisions of BMC 12.52.040 shall control regarding
16 the minimum lot size, common open space areas, the number of lots allowed, and the minimum
17 lot circle dimension:

- 18 A. When a non-single-family PUD proposes attached dwelling units and the subject property(s)
- 19 contains different zoning classifications that have different dwelling unit per acre amounts,
- 20 the total number of dwelling units allowed within the PUD may be determined by calculating
- 21 the number of dwelling units allowed within each zoning classification portion of the PUD
- 22 and adding the allowed dwelling units together creating a total number of allowed dwelling
- 23 units.
- 24 B. The number of units arrived at by the method identified above may be located anywhere
- 25 within the planned unit development, subject to the PUD approval process set forth in this
- 26 chapter.

12.30.060 Permissive modifications in regulations - Green PUDs.

29 Green PUDs shall be subject to the following limitations in modification of regulations in addition
30 to those limitations set forth in BMC [12.30.030](#), [12.30.040](#) and [12.30.050](#):

- 31 A. In single-family green PUDs, the minimum lot size as required in Chapter [12.14](#) BMC may
- 32 be reduced by up to 30 percent; provided, that an area(s), not including a critical area or its
- 33 buffer or a non-low-impact-development storm water conveyance or storage facility, equal
- 34 to the combined reduction in lot area, is set aside for one or more of the following:
- 35 1. Common useable open space comprising landscaping and facilities such as but not
- 36 limited to play areas, trails, gazebos, covered shelters, picnic tables and benches;
- 37 2. Permanently dedicated open space tracts containing intact, undisturbedrehabilitated
- 38 or restored or re-created forest areas as described within Chapter 11.02-12.52 BMC
- 39 (Fitzgerald/35th Avenue SE Subarea Regulations);
- 40 3. Special storm water conveyance or storage facilities consistent with low impact
- 41 development practices and standards as promulgated within the Bothell Design and
- 42 Construction Standards;
- 43 4. Other noncritical areas, the preservation or creation of which promotes one or more
- 44 goals and/or policies of the Imagine Bothell... Comprehensive Plan.

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- 1 B. The number of lots in a single-family green PUD shall not exceed the number of lots which
2 could be obtained if no regulations were modified.
- 3 C. The minimum lot circle diameter as required in Chapter [12.14](#) BMC may be reduced by up
4 to 30 percent.
- 5 D. Within self-contained developments, the minimum front yard setback as required in Chapter
6 [12.14](#) BMC for individual lots may be reduced up to 50 percent, except for garages and
7 carports; this permissive modification shall not apply to the front yard setback from all
8 exterior boundary lines of the site required under BMC [12.30.030](#)(A).
- 9 E. Required side and rear yard setbacks may be reduced; provided, that minimum distances
10 required by the International Building Code and Fire Code shall be met.
- 11 F. Recreation area requirements as set forth in Chapter [12.20](#) BMC may be varied as follows:
12 1. The minimum recreation area required in BMC [12.20.020](#) may be modified by the
13 hearing body when trails and viewing platforms or facilities of a similar nature are
14 provided within or adjacent to retained forest areas;
15 2. Single purpose facilities may account for up to 80 percent of the required recreation
16 area;
17 3. Location, layout and dimensions of required recreation areas in BMC [12.20.040](#) may
18 be varied to accommodate the use of trails and other linear facilities located within
19 forest retention areas.
- 20 G. The hearing body may grant modifications to the Bothell Design and Construction Standards
21 and Specifications as adopted in BMC [17.02.010](#) as conditions of approval of a green PUD
22 in accordance with the following:
23 1. Public street width standards may be reduced pursuant to the following:
24 a. Public streets classified by the city as public local access streets (ADT less than
25 500) may be constructed as two-lane, two-way, 20-foot-wide clear, drivable surface
26 constructed of a standard paving material; provided, that on-street parking is
27 prohibited on both sides of the street and announced with appropriate signage.
28 b. Should on-street parking on one side of the street be desired, a six-foot-wide
29 parking area will be added to the 20-foot-wide drivable surface for a total width of
30 26 feet. The six-foot-wide parking area may be constructed of a pervious material
31 as approved by the public works director.
32 c. Should on-street parking on both sides of the street be desired, a six-foot-wide
33 parking area shall be added to both sides of the 20-foot-wide drivable surface for
34 a total width of 32 feet. The six-foot-wide parking area may be constructed of a
35 pervious material as approved by the public works director.
36 d. Local access streets (ADT less than 500) may be constructed as one-way looped
37 road sections in accordance with recommendations from the public works director
38 and the city fire marshal.
39 e. Guest parking must be provided when on-street parking is not constructed. One
40 guest parking stall shall be provided for every four dwelling units. All guest parking
41 will be clearly identified with signage and striping.
42 2. Private street and fire department access drives may be reduced to the following:
43 a. Local access private streets and access drives (ADT less than 500) may be
44 constructed as 16-foot-wide clear, drivable surfaces constructed of standard
45 pavement materials, with an additional three-foot pervious material shoulder

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- 1 capable of supporting the imposed weight of a fire apparatus on each side;
2 provided, that on-street parking is prohibited on both sides of the street and
3 announced with appropriate signage.
- 4 b. Guest parking must be provided when on-street parking is not constructed. One
5 guest parking stall shall be provided for every four dwelling units. All guest parking
6 will be clearly identified with signage and striping.
- 7 3. Roadway materials standards may be varied according to the following:
 - 8 a. Pervious pavement may be allowed on road shoulders subject to specific
9 standards established by the public works department to ensure serviceability and
10 durability.
 - 11 b. Pervious pavement on emergency vehicle turnouts and traveled ways may be
12 allowed on a case-by-case basis by the public works director in consultation with
13 the fire marshal based on specific plans and information regarding roadway
14 serviceability and durability.
- 15 4. Cul-de-sac and turn-around dimensions may be varied to provide a hammerhead type
16 of design to reduce impervious surface and may be constructed of pervious pavement
17 pursuant to the LID Supplement to the Bothell Design and Construction Standards.
- 18 5. Pedestrian facility placement, design, and materials standards may be varied
19 according to the following:
 - 20 a. A sidewalk or trail may be allowed on one side of public or private streets or roads
21 and driveways if the following criteria are met:
 - 22 (1) The sidewalk is not designated as a primary pedestrian access route to
23 schools;
 - 24 (2) The sidewalk does not serve more than 100 dwelling units as the single point
25 of pedestrian access between the residential unit and other elements of the
26 pedestrian circulation system;
 - 27 (3) Marked crosswalks are provided to allow pedestrians to safely cross the
28 street to the pedestrian facility at safe locations.
 - 29 b. Pedestrian facilities may utilize pervious pavement subject to specific
30 standards to ensure serviceability and durability.
- 31 6. Parking lot standards may be varied to allow pervious pavement throughout the
32 parking lot, provided drive aisles are capable of supporting the weight of fire
33 apparatus. Pervious pavement shall be required on all portions of the parking lot
34 other than the drive aisle when soil conditions warrant.

12.30.070 Permissive modifications clustered subdivisions

Clustered subdivision PUDs shall be subject to the following limitations in modification of regulations in addition to those limitations set forth in BMC 12.30.030, 12.30.040 and 12.30.050:

- 39 A. For clustered subdivision PUDs, the minimum lot area as required in Chapter 12.14 BMC
40 within the R 5,400d, R 7,200, R 8,400 and R 9,600 zoning classifications may be reduced
41 up to 50 percent.
- 42 B. For clustered subdivision PUDs, the minimum lot area as required in Chapter 12.14 BMC
43 within the R 40,000 zoning classification may be reduced up to 60 percent.

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- 1 C. For clustered subdivision PUDs, the minimum lot circle diameter as required in Chapter
2 12.14 BMC within the R 5,400d, R 7,200, R 8,400 and R 9,600 zoning classifications may
3 be reduced up to 50 percent.
- 4 D. For clustered subdivision PUDs the minimum lot circle diameter as required in Chapter 12.14
5 BMC within the R 40,000 zoning classification may be reduced up to 60 percent.
- 6 E. The number of lots in a clustered subdivision PUD shall be subject to the following lot yield
7 methodology:
- 8 1. The net buildable area of the development site shall be determined pursuant to BMC
9 12.14.030(B)(3) wherein land area in roads and other rights-of-way, critical areas, critical
10 area buffers, or land dedicated to the city for other purposes, shall be deducted from the
11 gross site area;
- 12 2. To determine the number of allowed lots upon the subject property, the net buildable
13 area shall be divided by the underlying zoning classification's minimum lot area thereby
14 deriving the number of allowed lots.
- 15 3. Portions of the net buildable area placed into a dedicated open space tract pursuant to
16 12.30.070(J) shall be credited toward the allowed lot yield calculation; and
- 17 4. An increase in the number of allowed lots for clustered subdivisions PUDs shall be
18 permitted consistent with 12.30.070(J)(1)(b) below.
- 19 F. Side and rear yard setbacks. Side and rear yard setbacks may be modified consistent with
20 12.30.030(B);
- 21 G. Front yard setbacks. Front yard setbacks for individual lots may be modified consistent with
22 12.30.040(D);
- 23 H. Building Coverage. The maximum building coverage percentage within the R 9,600, R
24 8,400, R 7,200 and R 5,400d zoning classifications for each residential lot within a clustered
25 subdivision PUD may be increased up to 45 percent of the lot area, provided however, that
26 the total building coverage allowed on the total development site shall be no greater than 35
27 percent of the net buildable area of the development site.
- 28 I. Hard Surface Cover. The maximum hard surface cover for each residential lot within a
29 clustered subdivision PUD may be increased consistent with the schedule below, provided
30 however, that the maximum amount of hard surface coverage shall be no greater than that
31 established for the underlying zoning classification as applied to the net buildable area of
32 the development site:
- 33 a. R 40,000 zone. No increase in hard surface coverage is allowed
- 34 b. R 9,600 zone. Hard surface coverage placed within individual lots may increase from
35 45 percent up to a maximum of 55 percent;
- 36 c. R 8,400 zone. Hard surface coverage placed within individual lots may increase from
37 50 percent up to a maximum of 60 percent;
- 38 d. R 7,200 zone. Hard surface coverage placed within individual lots may increase from
39 65 percent up to a maximum of 75 percent; and
- 40 e. R 5,400d zone. Hard surface coverage placed within individual lots may increase from
41 70 percent up to a maximum of 80 percent.
- 42 J. Open space preservation. Clustered subdivision PUDs shall reserve a portion of the site as
43 dedicated, permanent open space not available for future development consistent with the
44 following criteria:
- 45 1. Amount of land to be preserved:

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1 a. All clustered subdivision PUDs shall provide for a minimum of 10 percent of the net
2 buildable area of the site to be placed within a dedicated tract containing intact forest,
3 rehabilitated or restored forest, a forest equivalent surface water facility, as defined
4 herein, a tree preservation, or another type of passive open space tract to be
5 preserved in perpetuity consistent with the provisions of Section 12.30.070(J)(3); or

6 b. For clustered subdivision PUDs, the City may approve an increase in the number of
7 lots beyond the number established by the allowed lot yield method of 12.30.070(E)
8 provided additional land is placed within a dedicated tract containing intact forest,
9 rehabilitated or restored forest, forest equivalent surface water facility as defined
10 herein, a tree preservation, or other type of passive open space tract to be preserved
11 in perpetuity consistent with the provisions of Section 12.30.070(J)(2), consistent
12 with the following schedule:

13 i. Preserving at least 15 percent of the net buildable area as open space tract
14 consistent with this section, an increase of 10 percent of the calculated lot yield;

15 or

16 ii. Preserving at least 20 percent of the net buildable area within an open space
17 tract consistent with this chapter, an increase of 15 percent of the calculated
18 lot yield; or

19 iii. Preserving at least 25 percent of the net buildable area with an open space
20 tract consistent with this chapter, an increase of 20 percent of the calculated
21 lot yield; or

22 iv. Preserving at least 30 percent of the net buildable area within an open space
23 tract consistent with this chapter, an increase of 25 percent of the calculated
24 lot yield.

25 2. Type of land to be preserved as open space.

26 The type of open space shall be based upon the following hierarchical preferences.
27 Applicants shall demonstrate that all reasonable efforts have been made to design the
28 development in a manner that preserves the types of lands listed herein consistent with
29 these hierarchical preferences:

30 a. Intact forest areas as defined within Chapter 11.02;

31 b. Rehabilitated or restored forest areas as defined within Chapter 11.02;

32 c. Lands containing existing trees preserved pursuant to BMC 12.18;

33 d. Lands adjacent to critical area buffers which are also enhanced pursuant to Chapter
34 14.04;

35 e. Lands used for forest equivalent surface water facilities such as bio-infiltration or
36 surface water dispersion into forest lands; and

37 f. Lands used for passive open space purposes containing trails, picnic tables,
38 benches, and other passive recreational uses, provided such areas are accessible
39 to residents of the development via access tracts or easements that are at least 10
40 feet in width.

41 3. All lands preserved as open space shall be placed into a separate and permanent open 42 space tract as follows:

43 a. All open space tracts shall be recorded on all documents of title of record for all
44 affected lots.

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- 1 b. Open Space tracts shall be designated on the face of the plat or recorded drawing
2 in a form as approved by the city attorney and shall be placed within an individual
3 tract. The designation shall include the following restrictions:
4 i. The stated purpose of the open space tract shall be clearly indicated. For
5 example, if the open space tract is adjacent to a critical area, the tract shall
6 stipulate the purpose is to prevent harm to the environment, including, but not
7 limited to, controlling surface water runoff and erosion, buffering, protecting
8 plants, fish, and animal habitat, etc. If the purpose is to preserve existing mature
9 trees and other plant materials, the tract shall stipulate that trees may not be
10 removed except as needed to protect the health, safety and welfare of adjacent
11 residential structures as reviewed and authorized by the City of Bothell; and
12 ii. The right of the city to enforce the terms of the restriction.
13 c. The city may require that the open space tract be held for its stated purpose in an
14 undivided interest by each owner of a building lot within the development with the
15 ownership interest passing with the ownership of the lot, or held by an incorporated
16 homeowner's association or other legal entity (such as a land trust, which ensures
17 the ownership, maintenance, and protection of the tract);
18 d. Statements shall be included which provide that the open space tract shall not be
19 subject to future development or alteration except for maintenance of the tract for
20 its intended purpose or for other common activities associated with the purpose of
21 the tract.
22 K. Clustered subdivision PUDs may allow attached residential developments such as
23 townhouses or other types of attached residential development provided, the dwelling unit
24 is contained within its own individual lot, subject to the following additional requirements:
25 1. At least 40% of the net buildable area is preserved within a permanent open space
26 tract as described in 12.30.070(J)(2) above;
27 2. All buildings containing 3 or more dwelling units shall be setback from the perimeter of
28 the development as described within 12.30.030(A) a minimum of 30 feet and shall
29 install a Type III landscape buffer. Should the development contain both attached and
30 detached residential, buildings, the portion of the site that contains detached
31 residential buildings may apply the 20 foot perimeter setback dimension of
32 12.30.030(A);
33 3. Attached Residential buildings shall comply with the requirements of BMC 12.14.200
34 Exterior Building Design - Multiple Family Residential; and
35 4. Increases in the lot yield for attached residential dwelling units as established under
36 12.30.070(J) shall be limited to a maximum of a 20 percent increase in lot or dwelling
37 unit yield.
38 L. Clustered Subdivision PUDs are eligible for modifications to the Bothell Design and
39 Construction Standards and Specifications as adopted in BMC 17.02.010 in accordance
40 with the same modifications available for a Green PUD as described within Section
41 12.30.060(G) above.
42
43 **12.30.08070 Preliminary and final approval required - Type of action - Combined applications.**

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Each PUD shall require preliminary and final approval. Both preliminary and final PUD approvals are Type III actions and shall be processed in accordance with the procedures for such actions as set forth in BMC Title 11, Administration of Development Regulations.

The preliminary development plan and the final development plan may be combined and together processed through review as a final development plan. In addition, the applicant may file a concurrent subdivision application, in accordance with the procedures as set forth in BMC Title 15, Subdivisions, which application(s) shall be processed concurrently with the PUD application(s).

12.30.090080 Phased development.

- A. Development of a PUD project may be phased, in which case each complete phase may be processed separately through both preliminary development plan review and final development plan review. A map showing all property owned or controlled by the developer which is contiguous to the development site or which is within the area determined by the community development director to be relevant for comprehensive planning and environmental assessment purposes, together with a conceptual plan of said properties' eventual development through all potential phases, shall be submitted with the application for the first phase. The developer is not responsible for providing a conceptual plan for contiguous or nearby property which is not owned or controlled by the developer. The conceptual plan shall conform to the purposes of this chapter and shall be used by the city to review all phases of the development. All phases of the development shall conform to the conceptual plan, all conditions of approval, and applicable regulations.
- B. Notwithstanding the provisions of this section, all phased PUD projects shall comply with the provisions of this chapter and any subarea regulation.

12.30.100090 Preliminary PUDs - Contents of complete application.

- A. The applicant shall file with the community development department a preliminary development plan, including the following:
 - 1. A legal description of the property proposed to be developed;
 - 2. A map of the subject property and surrounding area determined by the community development director to be relevant for comprehensive planning, environmental assessment or zoning review purposes, which map shall depict comprehensive plan designations, zoning classifications and existing land uses, including streets;
 - 3. A proposed site plan for the subject property depicting the following:
 - a. Topography at two-foot contours for slopes 15 percent or less and five-foot contours for slopes over 15 percent;
 - b. Individual trees over eight inches in trunk diameter measured four feet above the base of the trunk in areas to be developed or otherwise disturbed;
 - c. Designated placement, location, and principal dimensions of lots, buildings, streets, parking areas, recreation areas and other open space, landscaping areas and utilities;
 - d. If the developer owns or otherwise controls property adjacent to the proposed development, a conceptual plan for such property demonstrating that it can be developed in a compatible manner with the proposed development;

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4. A conceptual landscape plan showing existing and proposed landscaping, in accordance with Chapter [12.18](#) BMC;
5. Drawing and/or text showing scale, bulk and architectural character of proposed structures;
6. For standard single-family PUDs, a conceptual drawing depicting the number and location of lots which would be allowed if no regulations were modified;
7. For green PUDs, a narrative and illustrations describing and depicting the specific green or sustainable features or practices proposed and how these features or practices achieve the purposes as set forth in BMC [12.30.020](#)(A)(3), [12.30.110100](#)(F), and the following submittal items:
 - a. Identification of which green program the applicant is proposing to implement;
 - b. Documentation showing the applicant is either currently enrolled or is a member of the identified green program or that members of the development team are enrolled or are members of the identified green program;
 - c. The name of the green program verifier, or verification team; and
 - d. A completed checklist from the selected green program wherein the applicant identifies the features and techniques that will be used to achieve the minimum certification level;
8. For clustered subdivision PUDs, a conceptual drawing and narrative describing the type, location, size, and features of the proposed open space areas(s);
98. Special features including but not limited to critical areas and sites or structures of historic significance;
109. A text describing conditions or features which cannot be adequately displayed on maps or drawings;
1140. A narrative stating how the proposed development complies with the goals and policies of the Imagine Bothell... Comprehensive Plan, including level of service standards and guidelines, and with the development regulations contained in this and other titles;
1244. Draft conditions, covenants and restrictions and other documents relating to operation and maintenance of the development, including all of its open areas and recreational facilities;
1342. Other information required by the community development director, or by any other section of the Bothell Municipal Code.

12.30.110400 Preliminary PUDs - Criteria for approval.

Preliminary PUD approval shall be granted by the city only if the applicant demonstrates that:

- A. The proposed project shall not be detrimental to present and potential surrounding land use.
- B. Land surrounding the proposed development can be planned in coordination with the proposed development and can be developed so as to be mutually compatible.
- C. Streets and sidewalks, existing and proposed, are suitable and adequate to carry anticipated vehicular and pedestrian traffic within the proposed project and in the vicinity of the proposed project, in light of the transportation provisions and concurrency standards of BMC Title [17](#) and the comprehensive plan.
- D. Services including potable water, sanitary sewer and storm drainage are available or can be provided by the development prior to occupancy so as to comply with the Bothell Design

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and Construction Standards and BMC Title [18](#), Utilities Infrastructure, and guidelines contained in the comprehensive plan.

- E. Each phase of the proposed development, as it is planned to be completed, contains the required parking spaces, recreation spaces, landscape and utility areas necessary for creating and sustaining a desirable and stable environment.
- F. In the case of green PUDs, the proposed site development and building designs include features, improvements and facilities that would achieve at least the minimum certification specified under BMC [12.30.020](#) under the Leadership in Energy and Environmental Design Standard, National Green Building Standard, the Built Green Standard, the Salmon Safe Standard, or other certification program as approved by the community development director.
- G. The project conforms with the purposes and standards prescribed in this chapter.
- H. The project conforms to the Imagine Bothell... Comprehensive Plan, and any applicable subarea plan that has been adopted by the city.
- I. If a subdivision application is being processed concurrently, conformance with the requirements of BMC Title [15](#).

12.30. ~~120110~~ Preliminary PUDs - Minor and major changes to an approved preliminary PUD.

- A. A proposed minor change to an approved PUD is a Type III action and shall be incorporated into the application for final PUD approval, and any notification regarding such final PUD approval shall describe the proposed minor change(s). A “minor change” means any departure from the conditions of preliminary approval which is not a “major change” and includes but is not limited to the following:
 - 1. Revisions to number of dwelling units in a structure;
 - 2. Revisions to number of nonresidential structures;
 - 3. Revisions to heights of structures;
 - 4. Revisions to location of internal roads;
 - 5. Revisions similar in nature to those above as determined by the community development director.
- B. A proposed major change to an approved preliminary PUD shall require reapplication for preliminary PUD approval which is a Type III action, as set forth in BMC [12.30.080070](#) and this section, and any notification regarding such preliminary PUD approval shall describe the proposed major change or changes. A major change is any departure from the conditions of preliminary PUD approval which would result in any of the following:
 - 1. Revisions to the approved design concept;
 - 2. Revisions to the approved use(s);
 - 3. An increase in the number of residential dwelling units;
 - 4. An increase in square footage of nonresidential structures;
 - 5. A decrease in the amount of landscaping, site perimeter buffering, and open space; and
 - 6. An increase in traffic volumes or change in circulation patterns which impacts surrounding development.

12.30. ~~130120~~ Approved preliminary PUD - Extension of time for filing final PUD.

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For good cause shown, the city council, in its discretion, may grant an extension of time of one year for filing the final PUD application, and may grant additional one-year extensions; provided, however, the city shall have the right to re-examine and update any conditions made to mitigate development impact.

12.30.140130 Preliminary PUDs - Failure to file for final PUD - Termination.

- A. In the event the final PUD application is not filed within 12 months following approval of a preliminary PUD, except as provided in BMC [12.30.130120](#) or as noted in subsection B of this section, the approval of the preliminary PUD shall lapse and the approval shall be deemed null and void and without force or effect; except that for preliminary PUDs approved through December 31, 2011, the final PUD shall be filed within 36 months following approval of a preliminary PUD or shall lapse and be deemed null and void and without force or effect.
- B. When it is determined as part of the preliminary PUD approval that the final PUD is to be phased, the final PUD for the first phase shall be submitted within 12 months of preliminary approval; except that the final PUD for the first phase of a PUD receiving preliminary approval through December 31, 2011, shall be submitted within 36 months of preliminary approval. The final development plan for each subsequent phase shall be submitted within the schedule established at the time of preliminary PUD approval. In the case of a PUD which includes a subdivision, the final PUD shall be submitted within five years of receiving preliminary approval; except that for combined preliminary PUDs and subdivisions approved through December 31, 2011, the final PUD shall be submitted within seven years of receiving preliminary approval.
- C. The time period for filing of final PUDs shall not include periods of time during which progress on the final PUD was reasonably halted or delayed due to the filing and pendency of legal actions challenging an approval granted by the city pursuant to this chapter; provided, that in all cases when more than two years have elapsed subsequent to the date of approval of a preliminary PUD, whether due to the pendency of litigation, city-approved extensions of time for filing or otherwise, the permittee shall be required to comply with all current building, construction, subdivision and other applicable standards of the city prior to being granted approval of the final PUD.

12.30.150140 Final PUDs - Contents of complete application.

Within 12 months following the approval of the preliminary PUD, the applicant shall file with the community development director a final PUD conforming to the approved preliminary PUD, including any proposed minor changes pursuant to BMC [12.30.120110](#). Should the approved preliminary PUD include a preliminary subdivision, the applicant shall file a final development plan within the time period provided under Chapter [58.17](#) RCW. Such a final subdivision shall not be approved unless and until the associated final PUD is approved. In addition to the information required under BMC [12.30.100090](#) for the preliminary PUD, the final PUD shall include the following:

- A. A survey of the property, showing for all areas to be developed or disturbed existing features, including topography at two-foot contours for slopes 15 percent or less and five-foot contours for slopes over 15 percent, buildings, structures, trees over eight inches in trunk diameter

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measured four feet above the base of the trunk, streets, utility easements, rights-of-way, and existing land uses;

B. Elevation and perspective drawings of project structures and improvements;

C. Proposed final conditions, covenants and restrictions (CC&Rs) and other documents relating to operation and maintenance of the development, including all of its open areas and recreational facilities any open space pursuant to 12.30.070, which CC&Rs and other documents shall be recorded upon final PUD approval;

D. Proposed final agreements which may have been required as conditions of preliminary PUD approval;

E. A development schedule, if development may extend over more than a two-year period;

F. The following plans and diagrams:

1. An off-street parking plan;

2. A circulation diagram indicating the proposed movement of vehicles and pedestrians within the planned unit development, and to and from existing and programmed thoroughfares; any special engineering features and traffic regulating devices needed to facilitate or ensure the safety of this circulation pattern must be shown;

3. Landscaping and tree planting plan, including site grading;

4. A topographic map or model of the site and surrounding vicinity;

5. For green PUDs, a site plan and/or building elevations or other drawings indicating the location of features which promote sustainability and which qualify for credit under the certification program utilized by the applicant; and

6. For clustered subdivision PUDs, a description of the type of open space being provided and the proposed management or maintenance of the open space.

12.30.~~160150~~ Final PUDs - Criteria for approval.

Final PUD approval shall be granted by the city only if the applicant demonstrates that the final PUD substantially conforms to the approved preliminary PUD, including minor changes pursuant to BMC 12.30.120110. For the purposes of this section, "substantially conforms" means that, as compared to the preliminary PUD, the final PUD contains no revisions in density, uses, design or development standards or in the site plan, other than the minor changes pursuant to BMC 12.30.120110.

12.30.~~170160~~ Effect of PUD approval.

The approved final development plan shall have the effect of a binding site plan under RCW 58.17.040(5), so that a lease of land not involving a residential structure shall be exempt from the subdivision ordinance if the lease conforms to the final development plan.

12.30.~~180170~~ Conditions of PUD approval control over conflicting regulations.

The conditions of approval of an adopted final PUD control over any conflicting regulations.

12.30.~~190180~~ Subdivision requirements.

The approval of a subdivision shall be required of all projects which involve or contemplate the subdivision of land and the procedures set forth in the Bothell subdivision ordinance, codified in BMC Title 15, shall be followed concurrently herewith. The approved final development plan shall be a binding site plan under RCW 58.17.040(5), so that a lease of land not involving a residential

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1 structure shall be exempt from the subdivision ordinance if the lease conforms to the final
2 development plan.

4 **12.30.~~200190~~ Lots subject to final PUD.**

5 A final PUD runs with the land and notice on title is required. All lots or other divisions of a
6 subdivided planned unit development shall remain subject to compliance with the final
7 development plan regardless of the fact of subdivision in compliance with BMC Title [15](#), or
8 subsequent conveyance of such individual lots or divisions.

10 **12.30.~~210200~~ Final PUDs - Minor modifications to approved final PUD.**

11 Minor modifications to approved final PUDs are Type I actions and shall be processed in
12 accordance with the procedures for such actions as set forth in BMC Title [11](#), Administration of
13 Development Regulations, and in accordance with the provisions of this section.

14 A. The community development director is authorized to allow minor modifications in
15 accordance with subsection B of this section. The community development director shall
16 allow only such modifications as are consistent with guidelines established in subsection B
17 of this section, and in no case shall a minor modification be allowed if it will increase the total
18 amount of floor space authorized in the approved final PUD, or the number of dwelling units
19 or density, or decrease the amount of parking or loading facilities or permit buildings to locate
20 substantially closer to any boundary line or change substantially any point of ingress or
21 egress to the site.

22 B. For the purposes of this section, "minor modifications" means any departure from the
23 conditions of final PUD approval which complies with the following criteria:

- 24 1. The modification maintains the design intent and quality of the original approval;
- 25 2. The amount of landscaping, buffering and open space shall not be reduced;
- 26 3. The number of dwelling units in residential developments and the square footage of
27 nonresidential structures shall not increase;
- 28 4. The modification shall not relocate a building, street or other use more than 20 feet in
29 any direction and shall not reduce any required yard and/or setback;
- 30 5. The height of buildings and other structures shall not increase;
- 31 6. Views from both structures on site and off site shall not be substantially reduced;
- 32 7. Traffic volumes shall not increase and circulation patterns shall not change;
- 33 8. Changes in colors, plant material and parking lot configurations are minor;
- 34 9. For green PUDs, the modification shall not reduce the number of credits for which the
35 proposed development qualified at final PUD approval under the certification
36 program utilized by the applicant; provided, however, that one or more green features
37 or practices may be reduced or eliminated if the resulting reduction in the number of
38 credits is offset by the increase or addition of other green features or practices;
- 39 10. For Clustered Subdivision PUDs, the modification shall not reduce the amount of
40 open space lands, nor the identified type of open space and any facilities, consistent
41 with 12.30.070(J) permitted to be included within the open space tract;

42 ~~11140.~~ The modification does not add significant new environmental impacts or
43 significantly increase environmental impacts disclosed in the original SEPA
44 documents;

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1241. The community development director determines that the modification will not increase any adverse impacts or undesirable effects of the project, or that the modification in no way significantly alters the project.

12.30.220210 Final PUDs - Major modifications to approved final PUD.

For the purposes of this section, "major modifications" means any proposed modifications to an approved final PUD that do not comply with the criteria contained in BMC 12.30.210200(B).

Major modifications to approved final PUDs are Type III actions and shall be processed in accordance with the procedures for such actions as set forth in BMC Title 11, Administration of Development Regulations, and in accordance with the provisions of this section.

A. Requirements for a Complete Application for Major Modification to an Approved Final PUD. These requirements are in addition to the minimum application requirements in BMC 11.06.002. Application contents:

1. Signatures of those persons or parties having an ownership interest in those lots, tracts, parcels, sites or divisions in the subject final PUD that are proposed to be altered;
2. A copy of any restrictive covenants applicable to the PUD. If the PUD is subject to restrictive covenants which were filed at the time of the approval of the final PUD, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the modification of the PUD or portion thereof;
3. A copy of the approved final PUD sought to be modified, together with all PUD modifications recorded since the date of the original approval;
4. Plans and diagrams clearly showing the approved final PUD, as well as any proposed modifications to the approved final PUD;
5. Any other information required by the community development director for the purposes of ascertaining ownership and the existence of easements or covenants affecting the subject property.

B. Criteria for Approval of a Major Modification to an Approved Final PUD. A major modification to an approved final PUD shall be granted by the city only if the applicant demonstrates that the proposed modifications are consistent with the criteria for approval for preliminary PUDs, as listed in BMC 12.30.110400.

12.30.230220 Building permits - Certificates of occupancy - Common walls.

A. The city shall issue building permits for buildings and structures which conform with the approved final PUD and with all other applicable city ordinances and regulations. The city shall issue a certificate of occupancy for completed buildings or structures which conform to the requirements of the approved final PUD and all other applicable city ordinances and regulations. The construction and development of all the open spaces and public and recreational facilities and required common features of any green PUD of each project phase must be completed or bonded before any certificate of occupancy will be issued.

B. In PUD projects receiving final approval, where units will have common walls, the city may issue building permits for construction of those units prior to approval of final lot lines.

ATT 4

1 **12.30.~~240230~~ Extension of time for construction.**

2 For good cause shown, the hearing body, in its discretion, may grant one extension of time for
3 commencement or continuation of construction subsequent to approval of the final PUD.
4

5 **12.30.~~250240~~ Termination of planned unit development - Failure to commence or continue**
6 **construction.**

7 A. If the construction has not been started within five years from the date of approval of a final
8 PUD with an associated subdivision, or two years from the date of approval of any other
9 final PUD, or if construction has been commenced but the work has been abandoned for a
10 period of one year or more, and if no extension of time has been granted as provided in
11 BMC ~~12.30.240230~~, the authorization granted for the planned unit development project
12 shall terminate and all permits and approvals issued pursuant to such authorization shall
13 expire and be null and void; except that for final PUDs approved through December 31,
14 2011, if construction has not been started within seven years from the date of approval of a
15 final PUD with an associated subdivision, or four years from the date of approval of any
16 other final PUD, or if construction has been commenced but the work has been abandoned
17 for a period of three years or more, and if no extension of time has been granted as
18 provided in BMC ~~12.30.240230~~, the authorization granted for the PUD project shall
19 terminate as set forth herein.

20 B. The time period of commencing or continuing construction shall not include periods of time
21 during which commencement of construction or continuation of construction was
22 reasonably halted or reasonably delayed due to the filing of a pendency of legal action
23 challenging an approval granted by the city pursuant to this chapter; however, in all cases,
24 when more than five years have elapsed subsequent to the date of approval of a final PUD
25 with associated subdivision, or more than two years have elapsed subsequent to the date
26 of approval of any other final PUD, whether due to pendency of litigation, city-approved
27 extensions of time for development, or otherwise, the permittee shall be required to comply
28 with all current building, construction, subdivision and other applicable standards of the
29 city; except that for final PUDs approved through December 31, 2011, the time limits
30 established in subsection A of this section shall apply; provided, that a change in zoning
31 classification enacted subsequent to approval of the final development plan shall not affect
32 the project.
33